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Docket No. 4303-4006US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gregory Pinchasik et al.

Group Art Unit: 3738

Serial No.: 10/660,883

Examiner: TBD

Filed: September 12, 2003

For: LONGITUDINALLY FLEXIBLE STENT

EXPRESS MAIL CERTIFICATE

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Date of Deposit: **December 11, 2003**

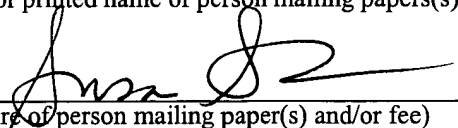
I hereby certify that the following attached paper(s) and/or fee

1. Information Disclosure Statement;
2. Form PTO-1449;
3. 72 cited references;
4. Singapore Examination Report;
5. New Zealand Examination Report;
6. German Office Action;
7. Two European Search Reports;
8. PCT Search Reports;
9. Cancellation Proceeding against DE Patent No. 20108764;
10. Cancellation Proceeding against DE Patent No. 20108765;
11. IDS Letter for the Cancellation Proceedings with Form PTO 1449;
12. Return Receipt Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Susan Shen

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed _____.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

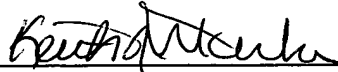
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 13-4500, Order No. _____. A
DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ This Information Disclosure Statement is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

- c. ☐ The fee due under 37 C.F.R. §§1.17(h) is paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☒ This document is accompanied by ☒ a Search Report ☒ Communication which was cited in a corresponding ☒ PCT or ☒ Foreign counterpart application
11. ☐ A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4303-4006US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

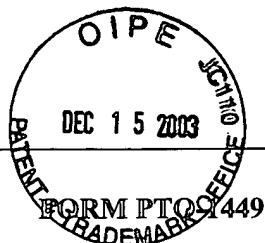
Dated: December 11, 2003

By: _____


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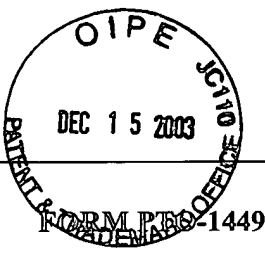
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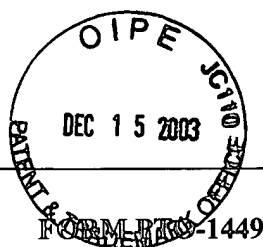
INFORMATION DISCLOSURE CITATION	Attorney Docket: 4303-4006US1	Serial No.: 10/660,883
	Applicant: Gregory Pinchasik et al.	
	Filing Date: September 12, 2003	Group Art Unit: 3731

U.S. PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
	5,037,377	8/6/1991	Alonso	600	36	8/21/1986
	5,855,600	1/5/1999	Alt	623	1	8/1/1997
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				Applicant: Gregory Pinchasik et al.			
				Filing Date: September 12 2003		Group Art Unit: 3731	
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		5,922,021	7/13/1999	Jang	623	1	04/25/1997
		5,595,571	1/21/1997	Jaffe et al.	8	94.11	4/18/1994
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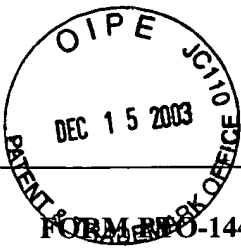
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	99/62431	12/09/1999	PCT	A61F	2/06	
	99/39660	08/12/1999	PCT	A61F	2/06	
	19957063	08/02/2001	DE	A61F	2/04	
	0876216	04/05/2000	Europe (see reference WO 97/07889 for English Abstract)	B01J	35/04	
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	Filing Date: September 12, 2003	Group Art Unit: 3731
OTHER DOCUMENTS (Including Author, Title, Date, etc.)		
	Singapore Examination Report	
	New Zealand Examination Report	
	German Office Action	
	Cancellation Proceeding against DE Patent No. 20108764	
	Cancellation Proceeding against DE Patent No. 20108765	
	Two European Search Reports	
	PCT Search Reports	
	IDS Letter	
Examiner	Date Considered	
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.		

FORM PTO-1449 INFORMATION DISCLOSURE CITATION				Attorney Docket: 4303-4006US1		Serial No.: 10/660,883	
				Applicant: Gregory Pinchasik et al.			
				Filing Date: September 12, 2003		Group Art Unit: 3731	
U.S. PATENT DOCUMENTS							
Examiner Initial		Patent Number	Issue Date	Name	Class	Sub- Class	Filing Date
		5,913,895	6/22/1999	Burpee et al.			
		5,603,721	2/18/1997	Lau et al.			
		5,733,303	3/31/1998	Israel et al.			
FOREIGN PATENT DOCUMENTS							
Examiner Initial		Patent Number	Publication Date	Country	Class	Sub- Class	Translation
		99/15108	4/1/1999	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
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		297 08 879U1	9/11/1997	Germany			<input type="checkbox"/> Yes <input type="checkbox"/> No
		00/30563	6/2/2000	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER DOCUMENTS (Including Author, Title, Date, etc.)							
Examiner				Date Considered			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							